

## An Open Letter from Secretary Robert Summers

The Governor and I have received many thoughtful comments from citizens about drilling in the Marcellus Shale and the technique of hydraulic fracturing. Some Marylanders are convinced that gas extraction from deep, tight shales can be done safely, and urge us to move forward now with issuing permits to reap the economic benefits. Others argue persuasively that there are too many unanswered questions about the risks associated with the activity and counsel a cautious approach. We need a better understanding of the facts and the science so that we can ensure that gas operations, if they are permitted in Maryland, will be conducted in a manner that is fully protective of the environment and good for our economy.

The Maryland Department of the Environment (MDE) has recently received many emails from people who have been told that the Marcellus Shale Advisory Commission assumes hydraulic fracturing is inevitable and is rushing to enact regulations to pave the way for gas development. This is not true. No decision has been made about whether hydraulic fracturing should be allowed in Maryland, and MDE is proceeding methodically and cautiously to develop stringent regulations that will protect Marylanders in the event hydraulic fracturing is allowed.

The Governor issued his Executive Order on the Marcellus Shale Safe Drilling Initiative in June of 2011. The Executive Order is specific as to its purpose: “The Marcellus Shale Safe Drilling Initiative will assist State policymakers and regulators in determining whether and how gas production from the Marcellus shale in Maryland can be accomplished without unacceptable risks of adverse impacts to public health, safety, the environment and natural resources.” The Executive Order mandated a series of studies and reports to help inform that decision.

Since the Executive Order was issued, MDE and the Department of Natural Resources, in consultation with an Advisory Commission, have been working on the tasks set out in the Executive Order. The Departments issued their first report, on revenue and liability issues, at the end of 2011. The report, which is available on MDE’s website, was explicit that no decision had been made on whether Maryland would allow shale gas development or not: “The State has not yet determined whether gas production can be accomplished without unacceptable risk and nothing in this report should be interpreted to imply otherwise.” This is still the case: the decision has not been made whether to allow production of shale gas.

Currently, the Departments are working on the second report, which is on best practices for shale gas development. The Department of the Environment engaged Keith Eshleman, Ph.D. of the University of Maryland Center for Environmental Science – Appalachian Laboratory to survey the best practices developed by various entities and adopted in several states, and to recommend a suite of best practices suitable for Maryland. His report is a report to MDE, and not a report of the Departments or the Advisory Commission. It was received in February 2013 and posted on MDE’s web site with a cover memorandum that said, in part,

As the Departments review Dr. Eshleman's report and consult with the Advisory Commission, all of the recommendations in Dr. Eshleman's report will be considered. The Departments will evaluate whether to add to, accept, reject, or modify Dr. Eshleman's suggestions, based on a number of factors, including the opinions of the Advisory Commission, the degree of environmental protection, technical feasibility, practicality, and the Departments' capacity to implement the recommendations and integrate them into their programs.

Dr. Eshleman's report specifically acknowledged that he was recommending best practices that the State could adopt *if and when it decided to allow shale gas development in Maryland*. He did not make a recommendation on whether shale gas development should be allowed.

The last two meetings of the Advisory Commission have been devoted to discussion of Dr. Eshleman's report and a consideration of best practices. A draft report will be released for public review and comment in the spring and will be finalized by August 2013. Understanding best practices will provide information to help answer the ultimate question: If best practices are followed, can gas production from the Marcellus Shale be accomplished in Maryland without unacceptable risks? Best practices, however, are not the only information that will be considered. The Departments are undertaking additional studies mentioned in the Executive Order, including an economic study and a public health study. The last report is due in August 2014. Thus, it is incorrect to suggest that the State is rushing to adopt regulations, or that a decision has been made to allow this form of gas development.

We hope you will follow the work of the Advisory Commission and submit comments on the draft best practices report when it is released for public comment. All Commission meetings are open to the public and information about them is posted on MDE's website: [www.mde.state.md.us/programs/Land/mining/marcellus/Pages/index.aspx](http://www.mde.state.md.us/programs/Land/mining/marcellus/Pages/index.aspx).

Sincerely,

Robert M. Summers, Ph.D.  
Secretary